

IN THE CIRCUIT COURT OF CRITTENDEN COUNTY, ARKANSAS

DIVISION

DON EARL PAYNE

VS.

NO. CV2013-142

ALVARO SALTAZAR & CENTRAL TRANSPORT, INC.
& CENTRAL TRANSPORT, LLC

DEFENDANTS

COMPLAINT

Plaintiff, Don Earl Payne, by and through his attorneys, Kale L. Ludwig, and the Ludwig Law Firm PLC, for their Complaint against Defendants, Alvaro Saltazar, Central Transport, INC. and Central Transport, LLC, state:

1. Defendant, Alvaro Saltazar, is a resident of 404 Hillcrest, Arlington, Texas 76010.
2. Defendants, Central Transport, Inc. & Central Transport, LLC (hereinafter Central Transport), are respectively a foreign for profit corporation and a limited liability company, organized, existing, and incorporated under the laws of the State of Michigan. Central Transport's registered office address is 12225 Stephens Rd., Warren, Michigan 48089.
3. Plaintiff, Don Payne, is a resident of 28 Smith Ave., Crawfordsville, Crittenden County, Arkansas 72327.
4. The events alleged herein occurred on Interstate 40 approximately 0.13 miles west of reference point 40281MM, in Crittenden County, West Memphis, Arkansas.
5. On or about February 21, 2013, Plaintiff, Don Payne, was injured in a motor vehicle crash involving an 18-wheeler.
6. At the time of the above crash, Defendant, Alvaro Saltazar, was driving a 2007 Freightliner Diesel Tractor-Trailer Truck (18-Wheeler). Without warning and in the absence of the

Exhibit

A

right of way, Defendant, Alvaro Saltazar, ran into the passenger side of the vehicle operated by Plaintiff.

7. As a result of the crash, Plaintiff suffered severe injuries that required immediate and lasting medical treatment.

8. Plaintiff has missed approximately two (2) months of work due to the accident at the time of filing this Complaint.

9. Plaintiff sustained property damage to his vehicle as a result of the accident.

10. Jurisdiction and venue are proper in this Court.

11. This Court has jurisdiction of this Defendant pursuant to A.C.A. § 23-63-301, et. seq. (MICHIE 1987) and to A.C.A. §. 16-4-101, et. seq. (MICHIE 1987) and pursuant to the common law of the State of Arkansas, the Arkansas Constitution, and the Constitution of the United States of America.

I. NEGLIGENCE

12. Plaintiff restates and re-alleges each of the factual allegations above.

13. Defendant, Alvaro Saltazar, is guilty of negligence that was the proximate cause of the above collision and damages suffered by Plaintiff. Specific acts of negligence include but are not limited to:

- (a) Failing to keep a proper lookout;
- (b) Failing to properly operate his 2007 Freightliner Diesel Tractor-Trailer Truck (18-Wheeler);
- (c) Failing to keep proper control of the vehicle he operated;
- (d) Failing to properly change lanes;
- (e) Failing to properly stay in his lane of travel;
- (f) Failing to keep a proper lookout;

- (g) Failing to otherwise comply with the rules of the road pursuant to Arkansas and Federal law, all in violation of law; and
- (h) Failing to make prudent decisions regarding his operation of the vehicle on the day in question.

14. These and other acts of negligence on the part of Defendants were the proximate cause of damages sustained by Plaintiff, Don Payne, as more specifically described below.

II. DAMAGES

15. Plaintiff restates and re-alleges each of the factual allegations above.

16. The negligence of Defendants outlined above proximately caused damages to Plaintiff, Don Payne, including but not limited to the following:

- (a) The reasonable value of past and future medical expenses attributable to the injuries including expenses necessary for medical care, treatment and services including transportation, board and lodging expenses necessarily involved in securing such care, treatment and services;
- (b) The nature, extent, duration and permanency of all injuries;
- (c) Past and future pain, suffering and mental anguish;
- (d) Severe, and permanent bodily injury;
- (e) Scarring, disfigurement and visible results of the injuries sustained;
- (f) The value of services, contributions and other expenses in the past and the future or probable in the future including but not limited to the reasonable expense of any necessary help in the home, which has been required as a result of his injuries and the present value of such expenses reasonably certain to be required in the future;
- (g) Earning capacity losses and the value of any earnings, profits, salary, and working time reasonably certain to be lost in the future;
- (h) The present value of any loss of ability to earn in the future;
- (i) Other incidental, consequential and punitive damages;
- (j) Loss of consortium;

- (k) Loss of use; and
- (l) Property damage.

III. VICARIOUS LIABILITY

17. Plaintiff restates and re-alleges each of the factual allegations above.

18. At all times material and relevant hereto, Defendant, Alvaro Saltazar, was an employee of Central Transport, and the acts and omissions of Defendant, Alvaro Saltazar, described herein occurred during and within the scope and course of his employment with Defendant, Central Transport.

19. Defendant, Central Transport, is vicariously liable for the negligent, careless, reckless acts and omissions of its employee, Alvaro Saltazar.

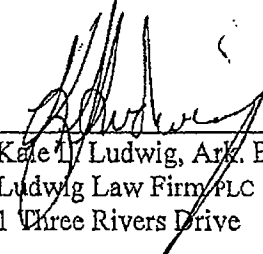
20. Plaintiff reserves the right to amend their complaint pending further discovery.

21. Plaintiff demands a jury trial.

WHEREFORE, Plaintiff, Don Payne, prays for judgment against Defendants, Alvaro Saltazar, Central Transport Inc. and Central Transport LLC, in a compensatory sum specifically undetermined at the time this Complaint is filed but in a sum that is less than federal court diversity jurisdiction, for a reasonable attorney's fee, prejudgment and post judgment interest, court costs and all other proper relief.

Respectfully submitted,

By:



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ATTORNEY FOR PLAINTIFF